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6 Attorneys for Defendant
LA. School Police Officer Daniel East

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 ART TOBIAS,

12 Plaintiff,

13 v.

14 CITY OF LOS ANGELES; SGT.
15 SANCHEZ, #25339; DETECTIVE
MICHAEL ARTEAGA, #32722;
16 DETECTIVE JEFF CORTINA,
#35632; DETECTIVE J. MOTTO,
17 #25429; DETECTIVE JULIAN
PERE, #27434; OFFICER
18 MARSHALL COOLEY, #38940;
OFFICER BORN, #38351; L.A.
19 SCHOOL POLICE OFFICER
DANIEL EAST, #959; and
20 UNIDENTIFIED EMPLOYEES of
the CITY OF LOS ANGELES,

21 Defendants.
22

CASE NO. 2:17-cv-1076-DSF-AS
Assigned to Hon. Dale S. Fisher

**Answer of Officer Dan East to First
Amended Complaint for Damages;
Demand for Jury Trial**

23
24 COMES NOW Defendant Officer Dan East (hereinafter "Defendant"), answering
25 the Plaintiff's First Amended Complaint for himself and no other party, and admits,
26 denies, and alleges as follows:

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1 1. Defendant lacks sufficient knowledge or information upon which to form a
2 belief as to the truth of the allegations in Paragraph 1, and therefore denies each and
3 every allegation therein.

4 2. Defendant lacks sufficient knowledge or information upon which to form a
5 belief as to the truth of the allegations in Paragraph 2, and therefore denies each and
6 every allegation therein.

7 3. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 3, and therefore denies
9 each and every allegation therein.

10 4. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 4, and therefore denies
12 each and every allegation therein.

13 5. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 5, and therefore denies
15 each and every allegation therein.

16 6. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 6, and therefore denies
18 each and every allegation therein.

19 7. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 7, and therefore denies
21 each and every allegation therein.

22 8. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 8, and therefore denies
24 each and every allegation therein.

25 9. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 9, and therefore denies
27 each and every allegation therein.

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1 10. Defendant is informed and believes, and based thereon, admits that at all
2 times relevant to events set forth in the First Amended Complaint Defendant
3 was a Los Angeles Unified School District police officer and understands that he is
4 being sued in his individual capacity for actions taken under the color of law and
5 within the scope of his employment. Defendant denies the remaining allegations in
6 Paragraph 10.

7 11. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 11, and therefore denies
9 each and every allegation therein.

10 12. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 12, and therefore denies
12 each and every allegation therein.

13 13. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 13, and therefore denies
15 each and every allegation therein.

16 14. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 14, and therefore denies
18 each and every allegation therein.

19 15. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 15, and therefore denies
21 each and every allegation therein.

22 16. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 16, and therefore denies
24 each and every allegation therein.

25 17. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 17, and therefore denies
27 each and every allegation therein.

28 18. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 18, and therefore denies
2 each and every allegation therein.

3 19. Defendant lacks sufficient knowledge or information upon which to
4 form a belief as to the truth of the allegations in Paragraph 19 , and therefore denies
5 each and every allegation therein.

6 20. Defendant lacks sufficient knowledge or information upon which to
7 form a belief as to the truth of the allegations in Paragraph 20 , and therefore denies
8 each and every allegation therein.

9 21. Defendant lacks sufficient knowledge or information upon which to
10 form a belief as to the truth of the allegations in Paragraph 21 , and therefore denies
11 each and every allegation therein.

12 22. Defendant lacks sufficient knowledge or information upon which to
13 form a belief as to the truth of the allegations in Paragraph 22, and therefore denies
14 each and every allegation therein.

15 23. Defendant lacks sufficient knowledge or information upon which to
16 form a belief as to the truth of the allegations in Paragraph 23 , and therefore denies
17 each and every allegation therein.

18 24. Defendant lacks sufficient knowledge or information upon which to
19 form a belief as to the truth of the allegations in Paragraph 24 , and therefore denies
20 each and every allegation therein.

21 25. Defendant lacks sufficient knowledge or information upon which to
22 form a belief as to the truth of the allegations in Paragraph 25 , and therefore denies
23 each and every allegation therein.

24 26. Defendant lacks sufficient knowledge or information upon which to
25 form a belief as to the truth of the allegations in Paragraph 26, and therefore denies
26 each and every allegation therein.

27 27. Defendant lacks sufficient knowledge or information upon which to
28 form a belief as to the truth of the allegations in Paragraph 27, and therefore denies

1 each and every allegation therein.

2 28. Defendant lacks sufficient knowledge or information upon which to
3 form a belief as to the truth of the allegations in Paragraph 28, and therefore denies
4 each and every allegation therein.

5 29. Defendant lacks sufficient knowledge or information upon which to
6 form a belief as to the truth of the allegations in Paragraph 29, and therefore denies
7 each and every allegation therein.

8 30. Defendant lacks sufficient knowledge or information upon which to
9 form a belief as to the truth of the allegations in Paragraph 30, and therefore denies
10 each and every allegation therein.

11 31. Defendant lacks sufficient knowledge or information upon which to
12 form a belief as to the truth of the allegations in Paragraph 31, and therefore denies
13 each and every allegation therein.

14 32. Defendant lacks sufficient knowledge or information upon which to
15 form a belief as to the truth of the allegations in Paragraph 32, and therefore denies
16 each and every allegation therein.

17 33. Defendant lacks sufficient knowledge or information upon which to
18 form a belief as to the truth of the allegations in Paragraph 33, and therefore denies
19 each and every allegation therein.

20 34. Defendant lacks sufficient knowledge or information upon which to
21 form a belief as to the truth of the allegations in Paragraph 34, and therefore denies
22 each and every allegation therein.

23 35. Defendant lacks sufficient knowledge or information upon which to
24 form a belief as to the truth of the allegations in Paragraph 35, and therefore denies
25 each and every allegation therein.

26 36. Defendant lacks sufficient knowledge or information upon which to
27 form a belief as to the truth of the allegations in Paragraph 36, and therefore denies
28 each and every allegation therein.

1 37. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 37, and therefore denies
3 each and every allegation therein.

4 38. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 38, and therefore denies
6 each and every allegation therein.

7 39. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 39, and therefore denies
9 each and every allegation therein.

10 40. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 40, and therefore denies
12 each and every allegation therein.

13 41. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 41, and therefore denies
15 each and every allegation therein.

16 42. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 42, and therefore denies
18 each and every allegation therein.

19 43. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 43, and therefore denies
21 each and every allegation therein.

22 44. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 44, and therefore denies
24 each and every allegation therein.

25 45. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 45, and therefore denies
27 each and every allegation therein.

28 46. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 46, and therefore denies
2 each and every allegation therein.

3 47. Defendant lacks sufficient knowledge or information upon which to
4 form a belief as to the truth of the allegations in Paragraph 47, and therefore denies
5 each and every allegation therein.

6 48. Defendant is informed and believes, and based thereon, admits that Plaintiff
7 was a student at Berendo Middle School, a public school in Los Angeles. Defendant
8 lacks sufficient knowledge or information to form a belief as to the other allegations
9 in Paragraph 48.

10 49. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 49, and therefore denies
12 each and every allegation therein.

13 50. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 50, and therefore denies
15 each and every allegation therein.

16 51. Defendant admits that he spoke with Officers of the Los Angeles Police
17 Department at Berendo Middle School. Defendant denies the remaining allegations
18 in Paragraph 51.

19 52. Defendant denies all the allegations of Paragraph 52.

20 53. Defendant lacks sufficient knowledge or information upon which to
21 form a belief as to the truth of the allegations in Paragraph 53, and therefore denies
22 each and every allegation therein.

23 54. Defendant lacks sufficient knowledge or information upon which to
24 form a belief as to the truth of the allegations in Paragraph 54, and therefore denies
25 each and every allegation therein.

26 55. Defendant lacks sufficient knowledge or information upon which to
27 form a belief as to the truth of the allegations in Paragraph 55, and therefore denies
28 each and every allegation therein.

1 56. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 56, and therefore denies
3 each and every allegation therein.

4 57. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 57, and therefore denies
6 each and every allegation therein.

7 58. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 58, and therefore denies
9 each and every allegation therein.

10 59. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 59, and therefore denies
12 each and every allegation therein.

13 60. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 60, and therefore denies
15 each and every allegation therein.

16 61. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 61, and therefore denies
18 each and every allegation therein.

19 62. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 62, and therefore denies
21 each and every allegation therein.

22 63. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 63, and therefore denies
24 each and every allegation therein.

25 64. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 64, and therefore denies
27 each and every allegation therein.

28 65. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 65, and therefore denies
2 each and every allegation therein.

3 66. Defendant lacks sufficient knowledge or information upon which to
4 form a belief as to the truth of the allegations in Paragraph 66, and therefore denies
5 each and every allegation therein.

6 67. Defendant lacks sufficient knowledge or information upon which to
7 form a belief as to the truth of the allegations in Paragraph 67, and therefore denies
8 each and every allegation therein.

9 68. Defendant lacks sufficient knowledge or information upon which to
10 form a belief as to the truth of the allegations in Paragraph 68, and therefore denies
11 each and every allegation therein.

12 69. Defendant lacks sufficient knowledge or information upon which to
13 form a belief as to the truth of the allegations in Paragraph 69, and therefore denies
14 each and every allegation therein.

15 70. Defendant lacks sufficient knowledge or information upon which to
16 form a belief as to the truth of the allegations in Paragraph 70, and therefore denies
17 each and every allegation therein.

18 71. Defendant lacks sufficient knowledge or information upon which to
19 form a belief as to the truth of the allegations in Paragraph 71, and therefore denies
20 each and every allegation therein.

21 72. Defendant lacks sufficient knowledge or information upon which to
22 form a belief as to the truth of the allegations in Paragraph 72, and therefore denies
23 each and every allegation therein.

24 73. Defendant lacks sufficient knowledge or information upon which to
25 form a belief as to the truth of the allegations in Paragraph 73, and therefore denies
26 each and every allegation therein.

27 74. Defendant lacks sufficient knowledge or information upon which to
28 form a belief as to the truth of the allegations in Paragraph 74, and therefore denies

1 each and every allegation therein.

2 75. Defendant lacks sufficient knowledge or information upon which to
3 form a belief as to the truth of the allegations in Paragraph 75, and therefore denies
4 each and every allegation therein.

5 76. Defendant lacks sufficient knowledge or information upon which to
6 form a belief as to the truth of the allegations in Paragraph 76, and therefore denies
7 each and every allegation therein.

8 77. Defendant lacks sufficient knowledge or information upon which to
9 form a belief as to the truth of the allegations in Paragraph 77, and therefore denies
10 each and every allegation therein.

11 78. Defendant lacks sufficient knowledge or information upon which to
12 form a belief as to the truth of the allegations in Paragraph 78, and therefore denies
13 each and every allegation therein.

14 79. Defendant lacks sufficient knowledge or information upon which to
15 form a belief as to the truth of the allegations in Paragraph 79, and therefore denies
16 each and every allegation therein.

17 80. Defendant lacks sufficient knowledge or information upon which to
18 form a belief as to the truth of the allegations in Paragraph 80, and therefore denies
19 each and every allegation therein.

20 81. Defendant lacks sufficient knowledge or information upon which to
21 form a belief as to the truth of the allegations in Paragraph 81, and therefore denies
22 each and every allegation therein.

23 82. Defendant lacks sufficient knowledge or information upon which to
24 form a belief as to the truth of the allegations in Paragraph 82, and therefore denies
25 each and every allegation therein.

26 83. Defendant lacks sufficient knowledge or information upon which to
27 form a belief as to the truth of the allegations in Paragraph 83, and therefore denies
28 each and every allegation therein.

1 84. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 84, and therefore denies
3 each and every allegation therein.

4 85. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 85, and therefore denies
6 each and every allegation therein.

7 86. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 86, and therefore denies
9 each and every allegation therein.

10 87. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 87, and therefore denies
12 each and every allegation therein.

13 88. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 88, and therefore denies
15 each and every allegation therein.

16 89. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 89, and therefore denies
18 each and every allegation therein.

19 90. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 90, and therefore denies
21 each and every allegation therein.

22 91. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 91, and therefore denies
24 each and every allegation therein.

25 92. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 92, and therefore denies
27 each and every allegation therein.

28 93. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 93, and therefore denies
2 each and every allegation therein.

3 94. Defendant lacks sufficient knowledge or information upon which to
4 form a belief as to the truth of the allegations in Paragraph 94, and therefore denies
5 each and every allegation therein.

6 95. Defendant lacks sufficient knowledge or information upon which to
7 form a belief as to the truth of the allegations in Paragraph 95, and therefore denies
8 each and every allegation therein.

9 96. Defendant lacks sufficient knowledge or information upon which to
10 form a belief as to the truth of the allegations in Paragraph 96, and therefore denies
11 each and every allegation therein.

12 97. Defendant lacks sufficient knowledge or information upon which to
13 form a belief as to the truth of the allegations in Paragraph 97, and therefore denies
14 each and every allegation therein.

15 98. Defendant lacks sufficient knowledge or information upon which to
16 form a belief as to the truth of the allegations in Paragraph 98, and therefore denies
17 each and every allegation therein.

18 99. Defendant lacks sufficient knowledge or information upon which to
19 form a belief as to the truth of the allegations in Paragraph 99, and therefore denies
20 each and every allegation therein.

21 100. Defendant lacks sufficient knowledge or information upon which to
22 form a belief as to the truth of the allegations in Paragraph 100, and therefore denies
23 each and every allegation therein.

24 101. Defendant lacks sufficient knowledge or information upon which to
25 form a belief as to the truth of the allegations in Paragraph 101, and therefore denies
26 each and every allegation therein.

27 102. Defendant lacks sufficient knowledge or information upon which to
28 form a belief as to the truth of the allegations in Paragraph 102, and therefore denies

1 each and every allegation therein.

2 103. Defendant lacks sufficient knowledge or information upon which to
3 form a belief as to the truth of the allegations in Paragraph 103, and therefore denies
4 each and every allegation therein.

5 104. Defendant lacks sufficient knowledge or information upon which to
6 form a belief as to the truth of the allegations in Paragraph 104, and therefore denies
7 each and every allegation therein.

8 105. Defendant lacks sufficient knowledge or information upon which to
9 form a belief as to the truth of the allegations in Paragraph 105, and therefore denies
10 each and every allegation therein.

11 106. Defendant lacks sufficient knowledge or information upon which to
12 form a belief as to the truth of the allegations in Paragraph 106, and therefore denies
13 each and every allegation therein.

14 107. Defendant lacks sufficient knowledge or information upon which to
15 form a belief as to the truth of the allegations in Paragraph 107, and therefore denies
16 each and every allegation therein.

17 108. Defendant lacks sufficient knowledge or information upon which to
18 form a belief as to the truth of the allegations in Paragraph 108, and therefore denies
19 each and every allegation therein.

20 109. Defendant lacks sufficient knowledge or information upon which to
21 form a belief as to the truth of the allegations in Paragraph 109,, and therefore denies
22 each and every allegation therein.

23 110. Defendant lacks sufficient knowledge or information upon which to
24 form a belief as to the truth of the allegations in Paragraph 110, and therefore denies
25 each and every allegation therein.

26 111. Defendant lacks sufficient knowledge or information upon which to
27 form a belief as to the truth of the allegations in Paragraph 111, and therefore denies
28 each and every allegation therein.

1 112. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 112., and therefore denies
3 each and every allegation therein.

4 113. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 113, and therefore denies
6 each and every allegation therein.

7 114. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 114, and therefore denies
9 each and every allegation therein.

10 115. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 115, and therefore denies
12 each and every allegation therein.

13 116. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 116, and therefore denies
15 each and every allegation therein.

16 117. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 117, and therefore denies
18 each and every allegation therein.

19 118. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 118, and therefore denies
21 each and every allegation therein.

22 119. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 119, and therefore denies
24 each and every allegation therein.

25 120. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 120, and therefore denies
27 each and every allegation therein.

28 121. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 121, and therefore denies
2 each and every allegation therein.

3 122. Defendant lacks sufficient knowledge or information upon which to
4 form a belief as to the truth of the allegations in Paragraph 122, and therefore denies
5 each and every allegation therein.

6 123. Defendant lacks sufficient knowledge or information upon which to
7 form a belief as to the truth of the allegations in Paragraph 123, and therefore denies
8 each and every allegation therein.

9 124. Defendant lacks sufficient knowledge or information upon which to
10 form a belief as to the truth of the allegations in Paragraph 124, and therefore denies
11 each and every allegation therein.

12 125. Defendant lacks sufficient knowledge or information upon which to
13 form a belief as to the truth of the allegations in Paragraph 125, and therefore denies
14 each and every allegation therein.

15 126. Defendant lacks sufficient knowledge or information upon which to
16 form a belief as to the truth of the allegations in Paragraph 126, and therefore denies
17 each and every allegation therein.

18 127. Defendant lacks sufficient knowledge or information upon which to
19 form a belief as to the truth of the allegations in Paragraph 127, and therefore denies
20 each and every allegation therein.

21 128. Defendant lacks sufficient knowledge or information upon which to
22 form a belief as to the truth of the allegations in Paragraph 128, and therefore denies
23 each and every allegation therein.

24 129. Defendant lacks sufficient knowledge or information upon which to
25 form a belief as to the truth of the allegations in Paragraph 129, and therefore denies
26 each and every allegation therein.

27 130. Defendant lacks sufficient knowledge or information upon which to
28 form a belief as to the truth of the allegations in Paragraph 130, and therefore denies

1 each and every allegation therein.

2 131. Defendant lacks sufficient knowledge or information upon which to
3 form a belief as to the truth of the allegations in Paragraph 131, and therefore denies
4 each and every allegation therein.

5 132. Defendant lacks sufficient knowledge or information upon which to
6 form a belief as to the truth of the allegations in Paragraph 132, and therefore denies
7 each and every allegation therein.

8 133. Defendant lacks sufficient knowledge or information upon which to
9 form a belief as to the truth of the allegations in Paragraph 133, and therefore denies
10 each and every allegation therein.

11 134. Defendant lacks sufficient knowledge or information upon which to
12 form a belief as to the truth of the allegations in Paragraph 134, and therefore denies
13 each and every allegation therein.

14 135. Defendant lacks sufficient knowledge or information upon which to
15 form a belief as to the truth of the allegations in Paragraph 135, and therefore denies
16 each and every allegation therein.

17 136. Defendant lacks sufficient knowledge or information upon which to
18 form a belief as to the truth of the allegations in Paragraph 136, and therefore denies
19 each and every allegation therein.

20 137. Defendant lacks sufficient knowledge or information upon which to
21 form a belief as to the truth of the allegations in Paragraph 137, and therefore denies
22 each and every allegation therein.

23 138. Defendant lacks sufficient knowledge or information upon which to
24 form a belief as to the truth of the allegations in Paragraph 138, and therefore denies
25 each and every allegation therein.

26 139. Defendant lacks sufficient knowledge or information upon which to
27 form a belief as to the truth of the allegations in Paragraph 139, and therefore denies
28 each and every allegation therein.

1 140. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 140, and therefore denies
3 each and every allegation therein.

4 141. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 141, and therefore denies
6 each and every allegation therein.

7 142. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 142, and therefore denies
9 each and every allegation therein.

10 143. Responding to the allegations of Paragraph 143, Defendant repeats and
11 realleges his responses to each of the paragraphs referred to therein, and therefore
12 denies each and every allegation therein.

13 144. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 144, and therefore denies
15 each and every allegation therein.

16 145. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 145, and therefore denies
18 each and every allegation therein.

19 146. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 146, and therefore denies
21 each and every allegation therein.

22 147. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 147, and therefore denies
24 each and every allegation therein.

25 148. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 148, and therefore denies
27 each and every allegation therein.

28 ///

1 149. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 149, and therefore denies
3 each and every allegation therein.

4 150. Responding to the allegations of Paragraph 150, Defendant repeats and
5 realleges his responses to each of the paragraphs referred to therein, and therefore
6 denies each and every allegation therein.

7 151. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 151, and therefore denies
9 each and every allegation therein.

10 152. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 152, and therefore denies
12 each and every allegation therein.

13 153. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 153, and therefore denies
15 each and every allegation therein.

16 154. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 154, and therefore denies
18 each and every allegation therein.

19 155. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 155, and therefore denies
21 each and every allegation therein.

22 156. Responding to the allegations of Paragraph 156, Defendant repeats and
23 realleges his responses to each of the paragraphs referred to therein, and therefore
24 denies each and every allegation therein.

25 157. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 157, and therefore denies
27 each and every allegation therein.

28 ///

1 158. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 158, and therefore denies
3 each and every allegation therein.

4 159. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 159, and therefore denies
6 each and every allegation therein.

7 160. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 160, and therefore denies
9 each and every allegation therein.

10 161. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 161, and therefore denies
12 each and every allegation therein.

13 162. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 162, and therefore denies
15 each and every allegation therein.

16 163. Responding to the allegations of Paragraph 163, Defendant repeats and
17 realleges his responses to each of the paragraphs referred to therein, and therefore
18 denies each and every allegation therein.

19 164. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 164, and therefore denies
21 each and every allegation therein.

22 165. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 165.

24 166. Defendant lacks sufficient knowledge or information upon which to
25 form a belief as to the truth of the allegations in Paragraph 166, and therefore denies
26 each and every allegation therein.

27 167. Defendant lacks sufficient knowledge or information upon which to
28 form a belief as to the truth of the allegations in Paragraph 167, and therefore denies

1 each and every allegation therein.

2 168. Defendant lacks sufficient knowledge or information upon which to
3 form a belief as to the truth of the allegations in Paragraph 168, and therefore denies
4 each and every allegation therein.

5 169. Defendant lacks sufficient knowledge or information upon which to
6 form a belief as to the truth of the allegations in Paragraph 169, and therefore denies
7 each and every allegation therein.

8 170. Responding to the allegations of Paragraph 170, Defendant repeats and
9 realleges his responses to each of the paragraphs referred to therein, and therefore
10 denies each and every allegation therein.

11 171. Defendant lacks sufficient knowledge or information upon which to
12 form a belief as to the truth of the allegations in Paragraph 171, and therefore denies
13 each and every allegation therein.

14 172. Defendant lacks sufficient knowledge or information upon which to
15 form a belief as to the truth of the allegations in Paragraph 172, and therefore denies
16 each and every allegation therein.

17 173. Defendant lacks sufficient knowledge or information upon which to
18 form a belief as to the truth of the allegations in Paragraph 173, and therefore denies
19 each and every allegation therein.

20 174. Responding to the allegations of Paragraph 174, Defendant repeats and
21 realleges his responses to each of the paragraphs referred to therein, and therefore
22 denies each and every allegation therein.

23 175. Defendant lacks sufficient knowledge or information upon which to
24 form a belief as to the truth of the allegations in Paragraph 175, and therefore denies
25 each and every allegation therein.

26 176. Defendant lacks sufficient knowledge or information upon which to
27 form a belief as to the truth of the allegations in Paragraph 176, and therefore denies
28 each and every allegation therein.

1 177. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 177, and therefore denies
3 each and every allegation therein.

4 178. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 178, and therefore denies
6 each and every allegation therein.

7 179. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 179, and therefore denies
9 each and every allegation therein.

10 180. Responding to the allegations of Paragraph 180, Defendant repeats and
11 realleges his responses to each of the paragraphs referred to therein, and therefore
12 denies each and every allegation therein.

13 181. Defendant lacks sufficient knowledge or information upon which to
14 form a belief as to the truth of the allegations in Paragraph 181, and therefore denies
15 each and every allegation therein.

16 182. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 182, and therefore denies
18 each and every allegation therein.

19 183. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 183, and therefore denies
21 each and every allegation therein.

22 184. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 184, and therefore denies
24 each and every allegation therein.

25 185. Defendant lacks sufficient knowledge or information upon which to
26 form a belief as to the truth of the allegations in Paragraph 185, and therefore denies
27 each and every allegation therein.

28 186. Responding to the allegations of Paragraph 186, Defendant repeats and

1 realleges his responses to each of the paragraphs referred to therein, and therefore
2 denies each and every allegation therein.

3 187. Defendant lacks sufficient knowledge or information upon which to
4 form a belief as to the truth of the allegations in Paragraph 187, and therefore denies
5 each and every allegation therein.

6 188. Defendant lacks sufficient knowledge or information upon which to
7 form a belief as to the truth of the allegations in Paragraph 188, and therefore denies
8 each and every allegation therein.

9 189. Defendant lacks sufficient knowledge or information upon which to
10 form a belief as to the truth of the allegations in Paragraph 189, and therefore denies
11 each and every allegation therein.

12 190. Defendant lacks sufficient knowledge or information upon which to
13 form a belief as to the truth of the allegations in Paragraph 190, and therefore denies
14 each and every allegation therein.

15 191. Defendant lacks sufficient knowledge or information upon which to
16 form a belief as to the truth of the allegations in Paragraph 191, and therefore denies
17 each and every allegation therein.

18 192. Defendant lacks sufficient knowledge or information upon which to
19 form a belief as to the truth of the allegations in Paragraph 192, and therefore denies
20 each and every allegation therein.

21 193. Defendant lacks sufficient knowledge or information upon which to
22 form a belief as to the truth of the allegations in Paragraph 193, and therefore denies
23 each and every allegation therein.

24 194. Responding to the allegations of Paragraph 194, Defendant repeats and
25 realleges his responses to each of the paragraphs referred to therein, and therefore
26 denies each and every allegation therein.

27 195. Defendant lacks sufficient knowledge or information upon which to
28 form a belief as to the truth of the allegations in Paragraph 195, and therefore denies

1 each and every allegation therein.

2 196. Defendant lacks sufficient knowledge or information upon which to
3 form a belief as to the truth of the allegations in Paragraph 196, and therefore denies
4 each and every allegation therein.

5 197. Defendant lacks sufficient knowledge or information upon which to
6 form a belief as to the truth of the allegations in Paragraph 197, and therefore denies
7 each and every allegation therein.

8 198. Responding to the allegations of Paragraph 198, Defendant repeats and
9 realleges his responses to each of the paragraphs referred to therein, and therefore
10 denies each and every allegation therein.

11 199. Defendant lacks sufficient knowledge or information upon which to
12 form a belief as to the truth of the allegations in Paragraph 199, and therefore denies
13 each and every allegation therein.

14 200. Defendant lacks sufficient knowledge or information upon which to
15 form a belief as to the truth of the allegations in Paragraph 200, and therefore denies
16 each and every allegation therein.

17 201. Defendant lacks sufficient knowledge or information upon which to
18 form a belief as to the truth of the allegations in Paragraph 201, and therefore denies
19 each and every allegation therein.

20 202. Defendant lacks sufficient knowledge or information upon which to
21 form a belief as to the truth of the allegations in Paragraph 202, and therefore denies
22 each and every allegation therein.

23 203. Responding to the allegations of Paragraph 203, Defendant repeats and
24 realleges his responses to each of the paragraphs referred to therein, and therefore
25 denies each and every allegation therein.

26 204. Defendant lacks sufficient knowledge or information upon which to
27 form a belief as to the truth of the allegations in Paragraph 204, and therefore denies
28 each and every allegation therein.

1 205. Defendant lacks sufficient knowledge or information upon which to
2 form a belief as to the truth of the allegations in Paragraph 205, and therefore denies
3 each and every allegation therein.

4 206. Defendant lacks sufficient knowledge or information upon which to
5 form a belief as to the truth of the allegations in Paragraph 206, and therefore denies
6 each and every allegation therein.

7 207. Defendant lacks sufficient knowledge or information upon which to
8 form a belief as to the truth of the allegations in Paragraph 207, and therefore denies
9 each and every allegation therein.

10 208. Defendant lacks sufficient knowledge or information upon which to
11 form a belief as to the truth of the allegations in Paragraph 208, and therefore denies
12 each and every allegation therein.

13 209. Responding to the allegations of Paragraph 209, Defendant repeats and
14 realleges his responses to each of the paragraphs referred to therein, and therefore
15 denies each and every allegation therein.

16 210. Defendant lacks sufficient knowledge or information upon which to
17 form a belief as to the truth of the allegations in Paragraph 210, and therefore denies
18 each and every allegation therein.

19 211. Defendant lacks sufficient knowledge or information upon which to
20 form a belief as to the truth of the allegations in Paragraph 211, and therefore denies
21 each and every allegation therein.

22 212. Defendant lacks sufficient knowledge or information upon which to
23 form a belief as to the truth of the allegations in Paragraph 212, and therefore denies
24 each and every allegation therein.

25 213. Responding to the allegations of Paragraph 213, Defendant repeats and
26 realleges his responses to each of the paragraphs referred to therein, and therefore
27 denies each and every allegation therein.

28 214. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 214, and therefore denies
2 each and every allegation therein.

3 215. Defendant admits that Defendant Officers, other than himself, were
4 employed by the City of Los Angeles Police Department and lacks sufficient
5 knowledge or information upon which to form a belief as to the truth of the remaining
6 allegations in Paragraph 215, and therefore denies each and every remaining
7 allegation therein.

8 216. Defendant lacks sufficient knowledge or information upon which to
9 form a belief as to the truth of the allegations in Paragraph 216, and therefore denies
10 each and every allegation therein.

11
12 **As separate and distinct affirmative defenses, Defendant herein alleges:**

13 **First Affirmative Defense**

14 The First Amended Complaint fails to state a cause of action against this
15 answering defendant because it is uncertain.

16 **Second Affirmative Defense**

17 Any injuries to Plaintiff were due to and caused by the negligence and omission
18 of Plaintiff to care for himself, which carelessness and negligence and omissions were
19 the proximate cause of damages, if any, to the Plaintiff.

20 **Third Affirmative Defense**

21 To the extent that Plaintiff suffered any detriment, such detriment was caused or
22 contributed to by Plaintiff's negligence and the damage, if any, should be reduced in
23 direct proportion to his fault.

24 **Fourth Affirmative Defense**

25 To the extent persons or entities other than this Defendant proximately caused
26 injury or damage to Plaintiff, Plaintiff's right to recovery from Defendant should be
27 correspondingly reduced.

28 **Fifth Affirmative Defense**

1 This answering Defendant's conduct was not outrageous or beyond the bounds
2 of decency.

3 **Sixth Affirmative Defense**

4 The alleged conduct of this answering Defendant was not intentional and/or
5 reckless.

6 **Seventh Affirmative Defense**

7 This action, or parts thereof, is barred by all applicable statutes of limitation,
8 including the statute of limitations period for 42 U.S.C. section 1983 actions.

9 **Eighth Affirmative Defense**

10 As to all of the state law causes of action, the First Amended Complaint fails to
11 state a cause of action against this answering Defendant as it is barred by Plaintiff's
12 failure to comply with the applicable public employee and public entity claims
13 provisions of the Tort Claims Act. (Govt. Code § 815 *et seq.*)

14 **Ninth Affirmative Defense**

15 This action is barred, all or in part, by laches.

16 **Tenth Affirmative Defense**

17 This action is barred, all or in part, by Plaintiff's unclean hands.

18 **Eleventh Affirmative Defense**

19 Defendant alleges on information and belief that Plaintiff has failed to make
20 reasonable efforts to mitigate his alleged damages in this action.

21 **Twelfth Affirmative Defense**

22 This action is barred by the doctrine of *res judicata*, or claim preclusion.

23 **Thirteenth Affirmative Defense**

24 This action is barred in whole or part by the doctrine of collateral estoppel, or
25 issue preclusion.

26 **Fourteenth Affirmative Defense**

27 Defendant is not liable for punitive damages since he at no time acted in an
28 extreme and outrageous manner, and such an award would violate his right to be free

1 from cruel and unusual punishment under the Constitution of the United States.

2 **Fifteenth Affirmative Defense**

3 Defendant alleges that the First Amended Complaint, to the extent that it seeks
4 punitive or exemplary damages, violates Defendant's rights to protection from
5 "excess fines" as provided in the Eighth Amendment of the United States
6 Constitution and the Constitution of the State of California, and it violates
7 Defendant's rights to substantive due process as provided in the Fifth and Fourteenth
8 Amendments of the United States Constitution and the Constitution of the State of
9 California, and therefore, fails to state a cause of action supporting the punitive or
10 exemplary damages claimed.

11 **Sixteenth Affirmative Defense**

12 Any cause of action against this answering Defendant is barred by the Doctrine
13 of Qualified Immunity.

14 **Seventeenth Affirmative Defense**

15 Any cause of action against this answering Defendant is barred by absolute
16 immunity.

17 **Eighteenth Affirmative Defense**

18 Any and all official conduct taken by Defendant was in good faith and without
19 malicious intent to deprive Plaintiff of his Constitutional rights or to cause him other
20 injury.

21 **Nineteenth Affirmative Defense**

22 Defendant acted at all times in good faith and with the reasonable belief his
23 actions were valid.

24 **Twentieth Affirmative Defense**

25 Plaintiff's causes of action under the federal Civil Rights Act are barred as the
26 First Amended Complaint fails to raise facts that go beyond mere tortious conduct
27 and rise to the dignity of a violation of a federal Constitutional or statutory right.

28 ///

Twenty-first Affirmative Defense

This answering Defendant was, at all times mentioned, acting in good faith, and without malice, and within the scope of his duties as a Los Angeles School Police Department officer.

Twenty-second Affirmative Defense

A public employee is not liable for any injury resulting from an act or omission when the act or omission was a result of the exercise of discretion vested in him/her.

Twenty-third Affirmative Defense

A public employee is not liable for his/her act or omission, while exercising due care, in the execution or enforcement of any law.

Twenty-fourth Affirmative Defense

A public employee is not liable for any injury caused by the adoption or failure to adopt an enactment or by failure to enforce an enactment.

Twenty-fifth Affirmative Defense

A public employee is not liable for any injury caused by the act or omission of another person.

Twenty-sixth Affirmative Defense

A public employee is not liable for any injury caused by the public employee's misrepresentation, whether the misrepresentation be negligent or intentional.

Twenty-seventh Affirmative Defense

A public employee is not liable for the prosecution of judicial or administrative proceedings, even if she/he acted maliciously and without probable cause.

Twenty-eighth Affirmative Defense

Plaintiff cannot state a cause of action for violation of civil rights under §1983 as he was not deprived of any rights, privileges, or immunities secured to him by the United States Constitution and/or laws.

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Twenty-ninth Affirmative Defense

Plaintiff fails to state a claim against this answering Defendant because Defendant did not act with deliberate indifference to a specific known risk of harm to Plaintiff.

Thirtieth Affirmative Defense

A conspiracy cannot be generally alleged in an action brought under the Federal Civil Rights Act.

Thirty-first Affirmative Defense

Defendant is immune from liability for all damages sustained after the prosecutor initiated criminal charges, pursuant to *Smiddy v. Varney*, 803 F.2d 1460 (9th Cir. 1986), and *Jackson v. City of San Diego*, 121 Cal. App. 3d 579 (1981).

Thirty-second Affirmative Defense

Defendant is immune from liability pursuant to the provisions of each of the following California statutes: California Government Code sections 815, 815.2, 818, 818.8, 820.9, 821.6 and 822.2, and California Penal Code sections 836.5 and 847.

WHEREFORE, Defendant, OFFICER DAN EAST, hereby prays as follows:

1. That Plaintiff take nothing by way of his First Amended Complaint;
2. For his costs of suit; and
3. For such other and further relief as the court deems just and proper.

DATE: April 27, 2017

GUTIERREZ, PRECIADO & HOUSE, LLP

By: /s/ Arthur C. Preciado
Arthur C. Preciado
Attorneys for Defendant
LA. School Police Officer Daniel East

DEMAND FOR JURY TRIAL

Defendant Officer Dan East, hereby demands a trial by jury in the above-entitled
action.

DATE: April 27, 2017

GUTIERREZ, PRECIADO & HOUSE, LLP

By: /s/ Arthur C. Preciado
Arthur C. Preciado
Attorneys for Defendant
LA. School Police Officer Daniel East